

Order

Michigan Supreme Court
Lansing, Michigan

March 28, 2012

Robert P. Young, Jr.,
Chief Justice

143851

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

RIVER INVESTMENTS L.C.P., L.L.C.,
Plaintiff-Appellant,

v

SC: 143851
COA: 298253
St Clair CC: 09-001995-CZ

WATSON BROTHERS COMPANY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the August 30, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the St. Clair Circuit Court for further proceedings not inconsistent with this order. The Court of Appeals erred by concluding that the plaintiff's action for breach of implied warranty in this case is subject to the Statute of Repose, MCL 600.5839, because the claim does not allege an "injury to property . . . arising out of the defective and unsafe condition of an improvement to real property."



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2012

Corbin R. Davis

Clerk